



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2018

CORAM

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.4638 of 2018

V.Paramanantham

... Petitioner

-Vs-

1.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

2.The Inspector of Police,
Alankulam Police Station,
Alankulam,
Virudhunagar District.

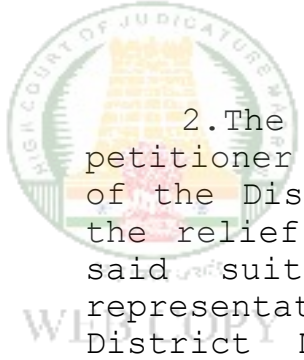
3.S.Muthukumar ... Respondents
(R3 is impleaded vide Court order dated 07.03.2018 in
W.M.P(MD).No.4956 of 2018)

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to grant permission and provide police protection to conduct temple festival and cultural programme from 09.03.2018 to 11.03.2018 and the 8th day festival on 16.03.2018 including the installation flag mast on 02.03.2018 at Arulmigu Sree Kathavarayan, Sree Kamba Kamatchiamman Kovil situated at Sankaramurthipatty, Alankulam Village, Sivakasi Taluk, Virudhunagar District by considering the representation of the petitioner dated 22.02.2018.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.Shanmugaselvam (for R1 & R2)
Additional Government Pleader
Mr.M.Kannan (for R3)

O R D E R

This petition has been filed to direct the respondents 1 and 2 to grant permission and also to provide police protection for conducting temple festival and cultural programme from 09.03.2018 to 11.03.2018 and the 8th day festival on 16.03.2018 including the installation flag mast on 02.03.2018 at Arulmigu Sree Kathavarayan, Sree Kamba Kamatchiamman Kovil situated at Sankaramurthipatty, Alankulam Village, Sivakasi Taluk, Virudhunagar District by considering the representation submitted by the petitioner dated 22.02.2018.



2.The learned counsel for the petitioner has submitted that the petitioner herein has filed a suit in O.S.No.13 of 2013 on the file of the District Munsif Court, Sivakasi, against one Karuppaiah for the relief of permanent injunction and during the pendency of the said suit the said Karuppaiah died and hence, his legal representative viz., Saravanan has been impleaded and the learned District Munsif has decreed the suit and granted permanent injunction. He further submitted that the third respondent herein also filed a suit impleading the petitioner herein as third defendant in O.S.No.229 of 2012 on the file of the District Munsif Court, Sivakasi and the said suit was dismissed on 20.07.2016. He further submitted that in the last year, the petitioner herein has submitted a representation before the respondents 1 and 2, seeking the same kind of relief for performing temple festival, but they did not pass any order on the said representation. Hence, the petitioner has filed a petition in W.P(MD).No.3400 of 2017 before this Court and the Hon'ble Division Bench of this Court by order dated 28.02.2017 has allowed the said writ petition in part without cost, directing the second respondent to look into the representations of the petitioner and dispose of the same within two days. He further submitted that now the petitioner representing Panarkula Tailors Sangam has submitted representation to the respondents 1 and 2 on 22.02.2018, seeking permission for conducting temple festival and also seeking police protection, but sofar, the respondents 1 and 2 have not passed any order.

3.The learned Additional Government Pleader has submitted that since it is informed to the second respondent by the third respondent herein that he has filed an appeal against the dismissal of his suit in O.S.No.229 of 2012, the second respondent is not able to dispose of the petitioner's representation.

4.The learned counsel for the third respondent has submitted that the petitioner herein has filed a suit in O.S.No.13 of 2013 against one Karuppaiah and he died during the pendency of the suit and hence the legal representative viz., Saravanan was impleaded and in the said suit the third respondent herein was not impleaded as a party. He further submitted that the third respondent herein has filed a suit in O.S.No.229 of 2012 impleading the petitioner herein as third defendant, in which though an interim injunction was granted, finally the said suit was dismissed on 20.07.2016 and as against the dismissal of the said suit, the third respondent herein, has filed an appeal in A.S.No.23 of 2016 on the file of the Subordinate Court, Sivakasi. In the said appeal arguments have already been heard and the judgment is reserved and under the said circumstances, the petitioner should not be allowed to celebrate the festival excluding the third respondent.

5.Admittedly, the Appellate Court did not grant any interim injunction in favour of the third respondent herein. Therefore, as on date the decree passed in O.S.No.229 of 2012 on the file of the District Munsif, Sivakasi is in force. The suit, which was filed by

the third respondent has been dismissed and considering the said fact, this Court in W.P(MD).No.3400 of 2017 has directed the second respondent to look into the petitioner's representation and dispose of the same within a period of two days.

6.Taking into consideration of all the aforesaid facts, this Court is inclined to direct the second respondent to consider the petitioner's representation and pass appropriate order within two days. Liberty is given to the third respondent also to submit his objections before the second respondent.

7.With the aforesaid direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

2.The Inspector of Police,
Alankulam Police Station,
Alankulam,
Virudhunagar District.

+1cc to M/S.M.Kannan, Advocate SR.No. 54296

+1cc to M/S.S.C.Herold Singh, Advocate SR.No. 54056

W.P.(MD) No.4638 of 2018

09.03.2018

rmk

JM/SKN RSK/SAR 4/09.03.2018/3P/5C